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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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GEORGE O. SAILE & ASSOCIATES
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

EXAMINER	
MALDONADO, JULIO J	
ART UNIT	PAPER NUMBER
2823	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/839,963	HONG ET AL.	
	Examiner	Art Unit	
	Julio J. Maldonado	2823	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6,9-12,15 and 18-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6,9-12,15 and 18-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The cancellation of claims 4, 5, 7, 8, 13, 14, 16, 17, 22 and 23 is acknowledged.

2. Claims 1-3, 6, 9-12, 15 and 18-21 are pending in the application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes et al. (U.S. 4,536,951) in view of Huang et al. (U.S. 6,180,509 B1), Liu et al. and (U.S. 5,693,568) and Wang et al. (U.S. 6,080,660).

In reference to claims 1 and 2, Rhodes et al. (Figs.1-3) in a related method to form self-aligned anti-via interconnects teach providing a semiconductor substrate (4); depositing a first metal layer (2) overlying said semiconductor substrate (4); depositing an etch stop layer (6) overlying said first metal layer (2) wherein said etch stop layer (6) comprises a material selected from the group comprising chromium and titanium (column 4, lines 31 – 33); depositing a second metal layer (8) overlying said etch stop layer (6); etching through said second metal layer (8), said etch stop layer (6), and said first metal layer (2) to form connective lines; thereafter etching through said second metal layer (8) to form vias; thereafter depositing a dielectric layer (12) overlying said vias, said connective lines and said semiconductor substrate (4); and removing portions of said dielectric layer (12) to complete said self-aligned, anti-via interconnects in the

manufacture of the integrated circuit device, wherein said first (2) and second (8) metal layer comprises a material selected from the group comprising copper, aluminum and aluminum alloys (column 2, line 44 – column 4, line 33).

Rhodes et al. fail to teach wherein said etch stop layer comprises a tungsten containing film. However, Huang et al. (Figs.1-6) in a related method to pattern metal layers to form interconnects in an integrated circuit device teaches depositing an etch stop layer (28) over a first metal layer (22); and depositing a second metal layer (48) over said etch stop layer (28), wherein said etch stop layer comprises a material selected from the group comprising titanium, tungsten or any conductive material relative to which aluminum and aluminum alloys may be selectively etched (column 5, line 65 – column 6, line 48). It would have been within the scope of one of ordinary skill in the art to combine the teachings of Rhodes et al. and Huang et al. to enable the formation of the etch stop layer of Rhodes et al. to be performed according to the teachings of Huang et al. because one of ordinary skill in the art at the time the invention was made would have been motivated to look to alternative suitable methods of performing the disclosed etch stop formation step of Rhodes et al. and art recognized suitability for an intended purpose has been recognized to be motivation to combine. MPEP 2144.07.

The combined teachings of Rhodes et al. and Huang et al. fail to teach polishing down said dielectric layer to complete said self-aligned, anti-via interconnects in the manufacture of the integrated circuit device. However, Liu et al. (Figs.1-9) in a related method to form self-aligned anti-via interconnects teach depositing dielectric layer (51)

over a patterned via (40); and polishing down said dielectric layer (50), completing said anti-via interconnect structure (column 7, lines 51 – 55). It would have been within the scope of one of ordinary skill in the art to combine the teachings of Rhodes et al. and Huang et al. with the teachings of Liu et al. enable the removing step of the combined teachings of Rhodes et al. and Huang et al. to be performed according to the teachings of Liu et al. because one of ordinary skill in the art at the time the invention was made would have been motivated to look to alternative suitable methods of performing the disclosed removing step of the combined teachings of Rhodes et al. and Huang et al. and art recognized suitability for an intended purpose has been recognized to be motivation to combine. MPEP 2144.07.

The combined teachings of Rhodes et al., Huang et al. and Liu et al. teach forming an etch-stop layer comprising titanium nitride (Liu et al., column 6, lines 56-62); and forming titanium nitride on a second metal layer (Huang et al. column 6, lines 43 – 48). Rhodes et al. in combination with Huang et al. and Liu et al. fail to teach depositing an antireflective coating (ARC) layer comprising titanium nitride prior to etch through the metal layer. However, Wang et al. (Figs.2A-2C) in a related method to form interconnect structures teach the steps of performing a partial etch process comprising a timed etch on a metal layer (22); using silicon oxide as a dielectric layer (23); and in a non-preferred embodiment, depositing an antireflective coating (ARC) layer (24) comprising titanium nitride prior to etch through the metal layer (22) (column 3, line 55 – column 4, line 26). Although not taught as a preferred embodiment, Wang et al. teaches this embodiment nonetheless, and disclosed examples and preferred

embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments. In re Susi, 169 USPQ 423 (CCPA 1971). "A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." In re Gurley, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994). A reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989). Even a teaching away from a claimed invention does not render the invention patentable. See Celeritas Technologies Ltd. v. Rockwell International Corp., 150 F.3d 1354, 1361, 47 USPQ2d 1516, 1522-23 (Fed. Cir. 1998), where the court held that the prior art anticipated the claims even though it taught away from the claimed invention. "The fact that a modem with a single carrier data signal is shown to be less than optimal does not vitiate the fact that it is disclosed." To further clarify, a prior art opinion that a claimed invention is not preferred for a particular limited purpose, does not preclude utility of the invention for that or another purpose, or even preferability of the invention for another purpose.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the titanium nitride formed on the second metal layer as taught by the combined teachings of Rhodes et al., Huang et al., Liu et al. as an ARC layer and silicon oxide as a dielectric layer as taught by Wang et al. in the anti-via formation method of Rhodes et al., Huang et al. and Liu et al., since these materials are commonly used in the fabrication of metal interconnects (column 1, lines 34-63).

In reference to claim 3, the combined teachings of Rhodes et al., Huang et al. and Liu et al. teach wherein said semiconductor substrate comprises semiconductor devices in and on a silicon substrate covered by an insulating layer (Rhodes et al., column 2, lines 44 – 45, and Liu et al., column 6, lines 39 – 53).

In reference to claim 6, the combined teachings of Rhodes et al., Huang et al. and Liu et al. substantially teach all aspects of the invention but fail to teach wherein the dielectric layer deposited to a thickness of between about 5,000 Angstroms and 20,000 Angstroms. Notwithstanding, it would have been an obvious matter of design choice bounded by well known manufacturing constraints and ascertainable by routine experimentation and optimization to choose these particular dimensions because applicant has not disclosed that the dimensions are for a particular unobvious purpose, produce an unexpected result, or are otherwise critical, and it appears prima facie that the process would possess utility using another dimension. Indeed, it has been held that mere dimensional limitations are prima facie obvious absent a disclosure that the limitations are for a particular unobvious purpose, produce an unexpected result, or are otherwise critical. See, for example, In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955); In re Rinehart, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976); Gardner v. TEC Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984); In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

5. Claims 9-12, 15, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes et al. (U.S. 4,536,951) in view of Ye et al. (U.S. 6,080,529),

Liu et al. (U.S. 5,693,568), Huang et al. (U.S. 6,180,509 B1) and Pangrle et al. (U.S. 6,713,382 B1).

In reference to claims 9, 10, 18 and 19, Rhodes et al. (Figs.1-3) in a related method to form self-aligned anti-via interconnects teach providing a semiconductor substrate (4); depositing a first metal layer (2) overlying said semiconductor substrate (4); depositing an etch stop layer (6) overlying said first metal layer (2) wherein said etch stop layer (6) comprises a material selected from the group comprising chromium and titanium (column 4, lines 31 – 33); depositing a second metal layer (8) overlying said etch stop layer (6); etching through said second metal layer (8), said etch stop layer (6), and said first metal layer (2) to form connective lines; thereafter etching through said second metal layer (8) to form vias; thereafter depositing a dielectric layer (12) overlying said vias, said connective lines and said semiconductor substrate (4); and removing portions of said dielectric layer (12) to complete said self-aligned, anti-via interconnects in the manufacture of the integrated circuit device, wherein said first (2) and second (8) metal layer comprises a material selected from the group comprising copper, aluminum and aluminum alloys (column 2, line 44 – column 4, line 33).

Rhodes et al. fail to teach wherein said etch stop layer comprises a tantalum containing film. However, Ye et al. (Figs.2A-3G) in a related method to pattern metal layers teach depositing an etch stop layer (218) over a metal layer (216) comprising copper or aluminum; wherein said etch stop layer comprises a material selected from the group comprising titanium, and a tantalum containing material (column 12, line 40 – column 15, line 25). It would have been within the scope of one of ordinary skill in the

art to combine the teachings of Rhodes et al. and Ye et al. to enable the formation of the etch stop layer of Rhodes et al. to be performed according to the teachings of Huang et al. because one of ordinary skill in the art at the time the invention was made would have been motivated to look to alternative suitable methods of performing the disclosed etch stop formation step of Rhodes et al. and art recognized suitability for an intended purpose has been recognized to be motivation to combine. MPEP 2144.07.

The combined teachings of Rhodes et al. and Ye et al. fail to teach polishing down said dielectric layer to complete said self-aligned, anti-via interconnects in the manufacture of the integrated circuit device. However, Liu et al. (Figs.1-9) in a related method to form self-aligned anti-via interconnects teach depositing dielectric layer (51) over a patterned via (40); and polishing down said dielectric layer (50), completing said anti-via interconnect structure (column 7, lines 51 – 55). It would have been within the scope of one of ordinary skill in the art to combine the teachings of Rhodes et al. and Ye et al. with the teachings of Liu et al. enable the removing step of the combined teachings of Rhodes et al. and Ye et al. to be performed according to the teachings of Liu et al. because one of ordinary skill in the art at the time the invention was made would have been motivated to look to alternative suitable methods of performing the disclosed removing step of the combined teachings of Rhodes et al. and Ye et al. and art recognized suitability for an intended purpose has been recognized to be motivation to combine. MPEP 2144.07.

The combined teachings of Rhodes et al., Ye et al. and Liu et al. teach forming an etch stop layer comprising either titanium nitride (Liu et al., column 6, lines 56-62) or

tantalum nitride (Ye et al., column 12, line 40 – column 15, line 25). Furthermore, the combined teachings of Rhodes et al., Ye et al. and Liu et al. teach using antireflective layers such as titanium nitride and tantalum nitride (Ye et al., column 14; lines 8 – 21). Still, the combined teachings of Rhodes et al., Ye et al. and Liu et al. fail to expressly teach depositing an anti-reflective coating layer comprising titanium nitride overlying said second metal layer. However, Huang et al. (Figs.1-6) in a related method to pattern metal layers teach forming an etch stop layer titanium nitride on a second metal layer (Huang et al. column 6, lines 43 – 48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings Rhodes et al., Ye et al. and Liu et al. with Huang et al. to enable forming a titanium nitride layer on said second metal layer of the combination of Rhodes et al., Ye et al. and Liu et al., since it can be used to protect underlying layers as an etching stop layer as disclosed by Huang et al. but also as an antireflective layer as disclosed by Ye et al.

The combined teachings of Rhodes et al., Ye et al., Liu et al. and Huang et al. teach using parylene as an interlayer dielectric film (Rhodes et al., column 3, lines 47 – 50), but fail to teach wherein said dielectric layer is SiOF (fluorinated silica glass), SiOC (C-substituted siloxane), amorphous SiC:H, MSQ (methylsilsesquioxane), porous materials, PPXC polymer (poly(chloro-p-xylene), PPXN polymer (poly-p-xylylene), or VT-4 (tetrafluoro-p-xylylene). However, Pangrle et al. (Fig.2B) teach a method of forming interconnects including forming a dielectric layer (114) used as an intermetal dielectric), wherein said dielectric layer is formed form low-k materials such as SiOF,

parylene and porous such as siloxanes and silsesquioxanes (column 3, lines 24 – 55 and column 7, lines 55 – 67).

It would have been within the scope of one of ordinary skill in the art to combine the teachings of Rhodes et al., Ye et al., Liu et al. and Huang et al. with Pangrle et al. to enable the dielectric forming step of Rhodes et al., Ye et al. and Liu et al. to be performed according to the teachings of Pangrle et al. because one of ordinary skill in the art at the time the invention was made would have been motivated to look to alternative suitable methods of performing the disclosed dielectric forming step of Rhodes et al., Ye et al. and Liu et al. and art recognized suitability for an intended purpose has been recognized to be motivation to combine. MPEP 2144.07.

In reference to claims 11, 12, 20 and 21, the combined teachings of Rhodes et al., Ye et al., Liu et al., Huang et al. and Pangrle et al. substantially teach all aspects of the invention but fail to teach wherein the thickness of the first metal layer and the second metal layer are, respectively, between 1,000 Angstroms and 10,000 Angstroms and between 3,000 Angstroms and 10,000 Angstroms. Notwithstanding, it would have been an obvious matter of design choice bounded by well known manufacturing constraints and ascertainable by routine experimentation and optimization to choose these particular dimensions because applicant has not disclosed that the dimensions are for a particular unobvious purpose, produce an unexpected result, or are otherwise critical, and it appears prima facie that the process would possess utility using another dimension. Indeed, it has been held that mere dimensional limitations are prima facie obvious absent a disclosure that the limitations are for a particular unobvious purpose,

produce an unexpected result, or are otherwise critical. See, for example, In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955); In re Rinehart, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976); Gardner v. TEC Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984); In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

In reference to claim 15, the combined teachings of Rhodes et al., Ye et al., Liu et al., Huang et al. and Pangrle et al. teach wherein said step of etching through said second metal layer to form vias has an endpoint at said etch stop layer (Rhodes et al., column 2, line 44 – column 4, line 33).

Response to Arguments

6. Applicant's arguments with respect to claims 1-3, 6, 9-12, 15 and 18-21 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicants' arguments about Wang et al. teachings away to form a titanium nitride anti-reflective layer and as mentioned above, Although not taught as a preferred embodiment, Wang et al. teaches this embodiment nonetheless, and disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments. In re Susi, 169 USPQ 423 (CCPA 1971). "A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." In re Gurley, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994). A reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10

USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989). Even a teaching away from a claimed invention does not render the invention patentable. See Celeritas Technologies Ltd. v. Rockwell International Corp., 150 F.3d 1354, 1361, 47 USPQ2d 1516, 1522-23 (Fed. Cir. 1998), where the court held that the prior art anticipated the claims even though it taught away from the claimed invention. "The fact that a modem with a single carrier data signal is shown to be less than optimal does not vitiate the fact that it is disclosed." To further clarify, a prior art opinion that a claimed invention is not preferred for a particular limited purpose, does not preclude utility of the invention for that or another purpose, or even preferability of the invention for another purpose.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Julio J. Maldonado whose telephone number is (571) 272-1864. The examiner can normally be reached on Monday through Friday.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri, can be reached on (571) 272-1855. The fax number for this group is 703-872-9306 for before final submissions, 703-872-9306 for after final submissions and the customer service number for group 2800 is (703) 306-3329. Updates can be found at http://www.uspto.gov/web/info/2800.htm.

Julio J. Maldonado
Patent Examiner
Art Unit 2823

Julio J. Maldonado
December 16, 2004

George Hourson
Primary Examiner